

REMARKS

A. Background

Claims 1-18 were pending in the application at the time of the Office Action. The Office Action objected to the specification and drawings on formal grounds. Claims 1-18 were rejected as being anticipated and/or obvious over cited prior art. Applicant has amended claims 1-3 and 12, and added new claims 19 and 20. Claims 1 and 12 are the independent claims at issue. As such, claims 1-20 are presented for the Examiner's consideration in light of the following remarks.

B. Oath/Declaration

The Examiner Requested a new oath or declaration asserting the following statements are missing:

- a) I hereby state that I have reviewed and understood
- b) I acknowledge the duty to disclose

Applicants originally filed a Combined Declaration and Power of Attorney (Declaration) with the application. Applicants have reviewed the Declaration and determined that the Declaration includes the statements identified by the Examiner. A copy of the Declaration is included with this response. The relevant statements are located at the top of the second page of the Declaration.

C. Rejection on the Merits

Paragraphs 3-4 of the Office Action rejected claims 1-5 and 12-13 under 35 U.S.C. § 103(a) as being unpatentable over Shoff (U.S. Patent No. 6,240,555 B1) in view of Valdez (U.S. Patent No. 6,426,778 B1). Paragraph 5 rejected claims 6-9 and 14-16 under 35 U.S.C. § 103(a) as being unpatentable over Shoff in view of Valdez and Song (U.S. Patent No. 5,691,778). Paragraph 6 rejected claims 10-11 and 17-18 under 35 U.S.C. § 103(a) as being unpatentable over Shoff in view of Valdez and Song and further in view of Matthews (U.S. Patent No. 6,025,837).

Shoff is directed to an interactive entertainment systems that enables the presentation of supplemental interactive content along side traditional broadcast video programs such as television shows and movies. *See* col. 4, ll. 14-21. In Shoff, the programs are transmitted as continuous data stream, which are non-interactive in itself. *See Id.* Shoff teaches a viewer computing unit (Figure 2) that is configured to run an electronic program guide. *See* col. 4, ll. 35-36. The viewer computing unit receives video content programs from a head end that is interconnected to subscribers via a distribution network. *See* col. 4, ll. 43-44.

The teachings of Shoff, however are directed towards the viewer unit and methods for presenting interactive content along side traditional broadcast video programs. Shoff does not teach or suggest, as required by claim 1, “transcoder means for configuring said multimedia signals into IP format for multicast transmission.” Shoff further does not teach or suggest “a management system for managing interactive access of said subscriber to said multimedia signals,” also required by claim 1.

The use of traditional broadcast video programs is also evident in Valdez, which states that “TCP/IP information may be transmitted using the vertical blanking interval. *See* col. 9, ll. 28-30. Vertical blanking signals are present in, for example, NTSC television frames. *See* col. 9, ll. 40-42. Vertical blanking signals are not present in IP formatted multimedia signals. As a result, Valdez does not teach or suggest “transcoder means for configuring said multimedia signals into IP format for multicast transmission,” as recited in claim 1. Valdez further does not therefore teach or suggest “a management system for managing interactive access of said subscriber to said multimedia signals,” as also recited in claim 1. As a result, claim 1 is not taught or suggested by Shoff in view of Valdez. For at least these reasons, claim 12, which also requires configuring multimedia signals into IP format, is not taught or suggested by Shoff in view of Valdez.

Claims 1 and 12 are the independent claims at issue and, for at least the above reasons, are believed to overcome the cited art and are in condition for allowance. Claims 2-11, and 19-20 depend from claim 1 and thus incorporate the limitations thereof. As such, applicant submits that claims 2-11 and 19-20 are distinguished over the cited prior art for at least the same reasons as discussed above with regard to claim 1. Similarly, claims 13-18 depend from claim 12 and incorporate the limitations thereof and are distinguished over the cited art.

Claims 6-9 and 14-16 depend from claims 1 and 12 respectively and for at least this reason, overcome Shoff in view of Valdez and Song. Claims 10-11 and 17-18 also depend from claims 1 and 12 respective and for at least this reason, overcome the Shoff in view of Valdez and Son and further in view of Matthews.

D. Conclusion

Applicant notes that this response does not discuss every reason why the claims of the present application are distinguished over the cited prior art. Most notably, applicant submits that many if not all of the dependent claims are independently distinguishable over the cited prior art. Applicant has merely submitted those arguments which it considers sufficient to clearly distinguish the claims over the cited prior art.

In view of the foregoing, applicant respectfully requests the Examiner's reconsideration and allowance of claims 1-20 as amended and presented herein.

In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 15th day of January 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dana L. Tangren', with a stylized flourish at the end.

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Form P1

COMBINED DECLARATION and POWER OF ATTORNEY
(Utility, Design, National Stage of PCT)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

(Check one applicable item below)

- ☒ utility patent application
☐ design patent application
☐ national stage of PCT patent application

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION²

DIGITAL INTERACTIVE DELIVERY SYSTEM FOR TV/MULTIMEDIA/INTERNET

SPECIFICATION IDENTIFICATION

the specification of which:

(complete (a), (b), or (c))

- (a) ☒ is attached hereto.
- (b) ☐ was previously filed _____, as United States Patent Application Serial No. _____.
- (c) ☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ (if any).

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to in the declaration, referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 34, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM (35 U.S.C. § 119(a)-(d))

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))³

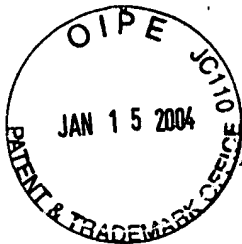
(d) ☒ no such applications have been filed.

(e) ☐ such applications have been filed as follows.

Note: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below, and make the priority claim.

PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS⁴ **(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION** **AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)**

| COUNTRY (OR INDICATE IF PCT) | APPLICATION NUMBER | DATE OF FILING (month, day, year) | PRIORITY CLAIMED UNDER 37 USC 119 |
|---------------------------------|-----------------------|--------------------------------------|---|
| | | | <input type="checkbox"/> YES NO <input type="checkbox"/> |
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| | | | <input type="checkbox"/> YES NO <input type="checkbox"/> |



ALL FOREIGN APPLICATION(S), *IF ANY*, PRIOR TO ⁵
THE EARLIEST PRIORITY DATE CLAIMED HEREIN

| COUNTRY (OR INDICATE IF PCT) | APPLICATION NUMBER | DATE OF FILING (month, day, year) |
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U.S. PRIORITY CLAIM
(35 USC § 120)

I hereby claim the benefit under 35 USC § 120 of any United States application(s) or § 365(c) of any PCT international application designating the United States of America listed below, if any, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of title 35 USC § 112, I acknowledge duty to disclose information which is material to patentability as defined in title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international application filing date of this application.

| UNITED STATES or PCT PARENT APPLICATION NO. | PARENT FILING DATE (month, day, year) | PARENT PATENT NO. (if applicable) |
|---|--|--------------------------------------|
| PCT/CA99/00505 | 06/03/1999 | |
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PROVISIONAL APPLICATION
35 USC § 119(e)

I hereby claim the benefit under 35 USC § 119(e) of any United States provisional application(s) listed below:

| APPLICATION NO. | DATE OF FILING (month, day, year) |
|-----------------|--------------------------------------|
| 60/088,135 | 06/04/1998 |
| | |

POWER OF ATTORNEY

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DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.

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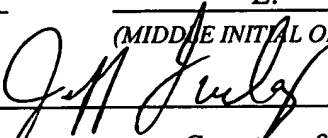
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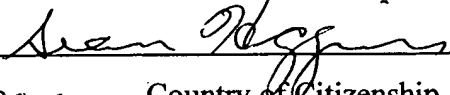
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